IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

JUSTIN D. STEPHENS,   )
)
        Petitioner,   )
)
v.   )   CASE NO. CV420-175
)
SHERIFF JOHN T. WILCHER,   )
)
        Respondent.   )
)

O R D E R

Before the Court is the Magistrate Judge's June 1, 2022, Report and Recommendation (Doc. 3), to which Petitioner has not filed objections. After a careful review of the record,[1] the Report and Recommendation (Doc. 3) is **ADOPTED** as the Court's opinion in this case. As a result, this action is **DISMISSED WITHOUT PREJUDICE.** See Gore v. Crews, 720 F.3d 811, 815 (11th Cir. 2013) (per curiam) ("If a petitioner fails to exhaust his state remedies, a district court must dismiss the petition without prejudice to allow for such exhaustion." (citations omitted)). The Clerk of Court is **DIRECTED** to close this case.

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[1] The Court reviews de novo a magistrate judge's findings to which a petitioner objects, and the Court reviews for clear error the portions of a report and recommendation to which a petitioner does not object. 28 U.S.C. § 636(b)(1); see Merchant v. Nationwide Recovery Serv., Inc., 440 F. Supp. 3d 1369, 1371 (N.D. Ga. 2020) (citing Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006) (per curiam) (outlining the standard of review for report and recommendations)).

Applying the Certificate of Appealability (COA) standards set forth in Brown v. United States, Nos. 407CV085, 403CR001, 2009 WL 307872, at *1 (S.D. Ga. Feb. 9, 2009), the Court discerns no COA-worthy issues at this stage of the litigation, so no COA should issue either. 28 U.S.C. § 2253(c)(1); see also Johnson v. Warden, Ga. Diagnostic & Classification Prison, 805 F.3d 1317, 1322 (11th Cir. 2015) (per curiam) ("In order to appeal from the dismissal of a § 2241 petition, a state prisoner must obtain a COA." (citations omitted)).

SO ORDERED this _____16th_____ day of June 2022.

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WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA